

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	4121-168
)		
Applicants:)	Conf. No.:	9836
)		
Application No.:)	Art Unit:	1638
)		
Date Filed:)	Examiner:	Cathy Kingdon
)		Worley
371(c) date:)		
)		
Title:)	Customer No.:	
)		
METHOD OF INCREASING)		
THE CONTENT OF)		
SELECTED TRANSGENE-)		
CODED PROTEINS OR)		
PEPTIDES IN PLANTS)		

23448

CERTIFICATE OF EFS FILING

I hereby certify that this document is being filed via EFS in the United States Patent and Trademark Office on **September 5, 2008**.

/kelly k. reynolds/

**AFFIRMATION OF NON-MATERIALITY OF CITATIONS IN EXAMPLES
IN U.S. PATENT APPLICATION NO. 10/500,264**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A Notice of Allowance mailed July 2, 2008 has been received in the present application.

The purpose of this communication is to complete the record of the application in respect of the citations of journal articles in Examples 1 and 2, as being non-material to the patentability of the claimed subject matter of this application.

A copy of each of such citations is enclosed, to complete the file of this application. A listing of each citation, its location in the specification and a summary of the citation is provided below.

Substantive consideration of these references is not requested.

- Porsch et al., Plant Molecular Biology 37 (1998) 581-585.
Location in specification: Example 1, p. 16
Summary: cited as describing the pSR 8-30 minimal T-DNA binary vector which was used for making the bacterial transformation vector according to Example 1.
- Koncz and Schell, Mol. Gen. Genet. 204 (1986); 383-396.
Location in specification: Example 1, p. 16
Summary: cited as describing the Agrobacterium binary vector system which was used to transform the plant cells in Example 1.
- Koncz et al., Proc. Natl. Acad. Sci. U.S.A. 84 (1987), 131-135.
Location in specification: Example 1, p. 16
Summary: cited as describing the insertion of luciferase genes as selective markers into a plant expression vector.
- L. Hausmann and R. Töpfer, Vorträge Pflanzenzüchtung 45 (1999), 155-172.
Location in specification: Example 2, p. 17
Summary: cited as describing the making of the pLH900 vector for the transformation of rape. It is shown by fluorimetric quantification of β -glucuronidase (GUS) activity that the foreign gene is expressed in transformed rape plants.

Entry of this document and accompanying citation copies in the file of this application is therefore requested.

Respectfully submitted,

Date: September 5, 2008

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**INTELLECTUAL PROPERTY/
 TECHNOLOGY LAW**
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Encl.

Porsch et al. reference [5 pgs.]
 Koncz and Schell reference [14 pgs.]
 Koncz et al. reference [5 pgs.]
 Hausmann et al. reference [10 pgs.]

<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284</p>
